

that can provide foreign aid can also provide some farm aid in times of trouble, and we have not had a time of trouble anywhere close to this for many, many decades.

Just this morning one of the industry leaders in North Dakota indicated that he thinks we are headed towards a period that is about as bad as the 1930s on the family farm. We have an obligation to respond. I will ask the cooperation of the majority leader, the minority leader, and all people of good will here in this Congress who care, as I do, about the enterprise of family farming and the fortunes of those families in rural America. I hope we can pass a piece of legislation in the next several weeks to respond to this emergency.

I thank the Senator from Mississippi for his indulgence.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

### PRIVATE PROPERTY RIGHTS

Mr. LOTT. Mr. President, I have in my hand a copy of that wonderful document, the Constitution of the United States of America. It begins, "We, the people of the United States \* \* \*" Like Senator BYRD, who refers to it quite often and carries a copy of it in his pocket, I find that when I go back and read it and reread it I always see something different, something special, something very treasured. I refer, today, to the last phrase of Article 5, which is very clear and unambiguous. It says:

\* \* \* nor shall private property be taken for public use without just compensation.

The Constitution is very clear. And yet all across this country, privately owned property, including a lot of farmers' private property, and the private property of businessmen and individuals, is being taken pursuant to government action without just compensation. In many instances for so-called "good and valid reasons—for example, to preserve wetlands or to protect endangered species. Such takings may, upon examination, be legitimate, but not if private property is taken from the property owner in an inappropriate way and without just compensation.

This is one of the rights I think we as Americans hold most dear, and is so deserving of protection that it is spelled out in our Constitution—the right to privately own property and to not have it taken away by government action without just compensation being paid.

When I visit with people from all over the world, particularly those who have lived behind the Iron Curtain and in Eastern European countries, one of the things they want, one of the things they feel so strongly about in America, is the ability to own private property, own your own little piece of the world, and to own your own home. Yet, in America—in America—we are in danger of losing that right even though it is guaranteed in the Constitution.

So I filed for cloture last night on S. 2271, and I intend to strike and substitute the content of H.R. 1534, which passed the House by an overwhelming vote—I think the margin was well over 100—and which has been amended and passed by the Senate Judiciary Committee.

I commend the Judiciary Committee for the work they have done in this area under the chairmanship of Senator HATCH and with a lot of other Senators being involved, including Senator DEWINE from Ohio and I think Senator SESSIONS from Alabama. They produced this very important legislation, which is intended to protect an individual Constitutional right, the right to own and keep private property, by guaranteeing timely access to the Federal courts.

A primary function of the Congress, I think, is to safeguard rights guaranteed by our Constitution. When the Fifth Amendment to the Constitution was ratified, our Founding Fathers were confident that the right of an individual to own and use private property without unreasonable restrictions of that right would be guaranteed. However, the framers of the Constitution and the Bill of Rights could not have reasonably foreseen the tremendous changes in our Government structure that have resulted, I believe, in the real impairment of these property rights guarantees.

The encroachment of Federal Government agencies into matters of private land management is an issue of escalating cost to taxpayers, businesses, and private property owners. Such encroachments often result in decreased property values, reduced or terminated business activities, and lost jobs.

What value does a piece of property have in Kansas or in Connecticut or in Mississippi if you have been told, "Oh, yes, it is your land. We won't take it. But, by the way, you can't use it in the way you intended, for the purpose perhaps that you had bought it; or you can't do something on your land that you have inherited from your forefathers?" You might as well just take it off the face of the globe. What value does it have if you can't use it?

The extreme interpretations, in my opinion, of the Endangered Species Act and the Clean Water Act by Federal regulatory agencies are resulting in a policy of national land use control. Further, the rights of individual property owners are imperiled when faced with oppressive Government regulation without the ability to even fight for those rights on equal footing. This must not be allowed to continue unchecked.

I believe a legislative remedy is now needed to reinstate what should otherwise be inalienable. At a minimum, an individual property owner should be confident in the knowledge that the Federal court system is available to resolve a dispute over the taking of an individual's property without just compensation in a fair and timely manner.

That timely access to the courts will be assured by the passage of this legislation before the Senate Monday, and the vote will be at 5:45 p.m. on Monday to allow us even to proceed to consider this bill which will guarantee private property owners access and the opportunity to go to the Federal courts.

This legislation affects only Federal property rights claims brought before a Federal court. Despite the contentions of opponents to this legislation, State and local prerogatives and State and local claims—those based on State and local law—are not affected. The mere fact that a property rights constitutional claim may arise from some action taken by a State or local government does not make that claim per se a State law claim rather than a Federal claim.

The Judiciary Committee has endeavored to strike the proper balance when weighing any impact on State and local governments caused by this legislation. This legislation will certainly empower property owners—that is what it is intended to do—but I believe it will merely place them in the position they should have been in all along and will place them in a position that balances the need of the governmental entity with the rights of the private property owner.

Finally, it should be clear to all that the U.S. district courts in particular (and the Federal court system in general) are the proper venue for the adjudication of Federal constitutional issues such as this Federal right stemming from the Fifth Amendment to the Constitution. This legislation does no harm to our well-established principles of federalism. The Federal courts reviewing these claims will have no power to write permits or to make zoning decisions as do local governments. The courts do, however, have the responsibility to ensure that such decisions are constitutional and do not improperly infringe upon the property rights established by the Fifth Amendment.

I am confident that this legislation will accomplish its desired effect, no more and no less. That effect is to ensure that a private property owner has his day in Federal court and a fair and timely hearing of his cause. This is a bedrock right, and it must be preserved.

This is not the same private property rights bill that had been considered earlier by the Congress. It is much narrower. It is targeted, but it gives access to the Federal court system. By taking this step, Congress will make great strides to ensure the preservation of this important Constitutional right.

I would like to hear any Member of the Senate go to his or her constituents in their respective States and say, "Private property owner, we think your property should be taken for whatever good and just cause that might be involved without just compensation, and, oh, by the way, you don't even have the right to go to the

Federal courts and have a determination made if it is constitutional or not." Try to defend that.

We are going to have a vote. We will see who really believes in private property rights in America.

I yield the floor, Mr. President.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the distinguished occupant of the Chair. Mr. President, I ask unanimous consent that I be allowed to speak without time limit as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

#### BEYOND THE CULTURE WARS: HOW WE CAN REDISCOVER COM- MON MORAL GROUND

Mr. LIEBERMAN. Mr. President, the distinguished leader's reference to the Constitution provides a transition for me today, and I appreciate it.

Mr. President, 222 years and 6 days ago, our Founding Fathers issued what we today regard as America's birth certificate: the Declaration of Independence. We know well the significance of this date which we celebrated, once again, last weekend all across the land and the subsequent events that comprise the remarkable and unique story of our freedom. But sometimes, it seems to me, we have lost sight of the substance of the document itself, and its continued relevance to our polity. So today I would like to revisit this great statement of our American ideals to see what guidance it gives us about our current condition.

Reread Jefferson's master work and you will see that it was not just the declaration of our independence, but also a declaration of our interdependence, a defining statement of the common conditions and values, the shared principles and purposes that would unite a diverse population of English and European pilgrims into a nation.

The original Americans did not all come from the same land, but they all did agree that there are fundamental truths that are self-evident.

They did not all hold the same religious tenets, but they did all hold an unerring faith that those inalienable rights that Jefferson enumerated in the declaration were endowed not by some benign king nor by the grace of a new government, but by their Creator.

I was moved to reflect, Mr. President, upon the declaration's meaning as our latest national birth date passed last Saturday by the recent comments of two prominent contemporary political activists about the state of our values in America in 1998, comments which, when taken together, I fear show how we have lost some of the unity of our founders' national vision.

The first came from Dr. James Dobson, the head of Focus on the Family,

who for sometime now has been ringing a national alarm bell about the Nation's declining morality. It was just a few weeks ago that Dr. Dobson caused a stir by proclaiming to the national press that we are in the midst of a civil war over America's future, pitting the moral haves against the moral have-nots.

Not long after, Jane Fonda gave a speech on teen pregnancy that actually echoed Dr. Dobson's martial proclamation, but from a very different perspective. Ms. Fonda attacked the views espoused by Dr. Dobson and others on abortion and sex education, accusing them of ignoring children that "are not white, middle-class Christians" and warned her audience that our society is in the throes of a "holy war," pitting the forces of tolerance against the forces of intolerance.

It would be easy to dismiss this apocalyptic talk, this talk that seems, in some words, certainly to be intemperate, as just another bout of the hyperbole that dominates so much of our political discourse these days if it were not for the accumulation of evidence suggesting that Dr. Dobson and Ms. Fonda are each in their own ways on to something. Maybe, as the stark contrast and conflict of their views and the way in which they express them suggest, the values that have long held us together are coming unglued. Maybe we are on the verge of abandoning the declaration's premise of interdependence and sliding toward either individual isolation or open conflict.

There is certainly a slew of public opinion polls showing that most Americans are gravely concerned about the condition of our values. There was a Gallup-USA Today survey released in March found that 49 percent of Americans believe that we are in the midst of a moral crisis. And another 41 percent said they believe we have major moral problems. What is driving these numbers, the polls suggest, is a swelling sense that our moral safety net, the interlaced norms of behavior we depend on to maintain a civil society, has become badly frayed, and that this fraying has contributed to some of our most pressing social ills, from the recent outbreak of children slaughtering children, to the ongoing epidemic of children giving birth to children, to the general coarsening of conversation, communication in our shared public places.

Mr. President, then consider, if you will, the vociferous complaints of millions of American parents—I certainly hear them in Connecticut—who feel as if they are locked in a competition with the immensely powerful, popular culture to raise their own children, a culture which more and more rejects, rather than reflects, the fundamental values we Americans have abided by for generations that have served us so well, a culture that glorifies murder, mayhem and drug abuse, promotes promiscuity and the latest perversion of the moment, denigrates authority

with a numbing regularity, and wallowing in titillation and sensationalism and, it seems so often, all things scandalous.

Or closer to home, here in Congress, consider what our investigation of the 1996 campaign finance scandal revealed. We live in a political system where the clear intention of laws governing campaigns are regularly violated, where we have defined political deviancy down so far that it seems the only relevant standard left is what is technically legal—which is another way of saying, "What can we get away with in order to raise vast sums of money to run more television ads, to win more elections?"—and where hustlers cynically compare gaining access to the White House to dropping tokens into a subway turnstile.

Or consider the hostile tone of the debates we often hear in this Congress about visceral, values-based issues, particularly such as abortion or homosexuality or school prayer. The rancor of these discussions, which is eagerly amplified by the news media, only reinforces the impression that values are something that divides us as Americans today rather than defining us.

So there is ample evidence, I think, to suggest that something is deeply wrong with America's moral health today. Nor is it a stretch to conclude that Dr. Dobson and Ms. Fonda, together with the legions of other culture warriors who have seconded their respective convictions, raised some legitimate and consequential questions about what it is that ails us in our capacity to remedy it.

Among them are, What has happened to the founding principles that undergirded the Declaration and, for that matter, the Constitution and have sustained us for generations? Have we, in some sense, taken tolerance too far? Is our commitment to a common moral code on a set of fixed points of right and wrong self-evident truths that we declared in the Declaration disintegrating? And if it is, can a house so divided against its own values stand strong for long?

Mr. President, in my remarks today I will try to offer some answers that may add to our understanding of the controversial and complicated values debate, with the hope I may help to, in some small way, move it beyond the warped groove we seem to be stuck in these days. I do so convinced that America's moral Cassandras are on to something, that our Nation is in the grip of a crisis of values, that there really is a conflict at our core, and that the recent spate of school shootings and murders are a warning sign of even greater trouble ahead.

But I also do so convinced that we are misdiagnosing this conflict by framing it as a civil war, and that those who do, in fact, make it harder to overcome the very divisions that they bemoan and we, as a people, must repair if we are to fix what is, indeed, broken in our society.